

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

J&J SPORTS PRODUCTIONS, INC. §
as Broadcast Licensee of the §
May 5, 2007 De La Hoya/Mayweather Event §
V §
EL PESCADOR MEXICAN SEAFOOD, §
INC., Individually and d/b/a EL PESCADOR §
MEXICAN SEAFOOD a/k/a EL PESCADOR §
PRIVATE CLUB a/k/a MARISCOS EL §
PESCADOR, TRINI C. CONCHA, §
Individually and d/b/a EL PESCADOR §
MEXICAN SEAFOOD a/k/a EL PESCADOR §
PRIVATE CLUB a/k/a MARISCOS EL §
PESCADOR, and MA LISS DELGADO, §
Individually and d/b/a EL PESCADOR §
MEXICAN SEAFOOD a/k/a EL PESCADOR §
PRIVATE CLUB a/k/a MARISCOS §
EL PESCADOR §

CASE NO. 4:10cv219
(Judge Schneider/Judge Mazzant)

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On October 27, 2010, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Plaintiff's Motion for Final Default Judgment should be **GRANTED**.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that Plaintiff's Motion for Final Default Judgment (Dkt. #14) is **GRANTED**.

It is further **ORDERED** that:

1. Judgment by default is entered in favor of Plaintiff and against Defendants.
2. Plaintiff recover statutory damages pursuant to 47 U.S.C. § 605(e)(3)(C)(i)(II) from Defendants, jointly and severally, in the amount of \$10,000.
3. Plaintiff recover additional damages pursuant to 47 U.S.C. § 605(e)(3)(C)(ii) from Defendants, jointly and severally, in the amount of \$50,000.
4. Plaintiff recover attorneys' fees from Defendants, jointly and severally, in the amount of \$20,000; along with attorney's fees for post-trial and appellate services.
5. Plaintiff recover the following conditional awards of attorney's fees from Defendants, jointly and severally, in the following circumstances:
 - a. Ten Thousand Dollars (\$10,000) in the event a Defendant files a motion to vacate, Rule 60 motion, motion for new trial, motion for reconsideration or other post-judgment, pre-appeal motion that does not result in a reversal of the Judgment obtained in this action;
 - b. Fifteen Thousand Dollars (\$15,000) in the event a Defendant files an appeal to the Fifth Circuit Court of Appeals that does not result in a reversal of the Judgment obtained in this action;
 - c. Five Thousand Dollars (\$5,000) for making and/or responding to a petition for certiorari to the U.S. Supreme Court that does not result in a reversal of the Judgment obtained in this action;

- d. Ten Thousand Dollars (\$10,000) for an appeal to the United States Supreme Court in the event a petition for certiorari review is granted and does not result in a reversal of the Judgment obtained in this action; and
 - e. Two Thousand Five Hundred Dollars (\$2,500) for collection of the Judgment rendered in this case, should Plaintiff obtain a writ of execution, writ of garnishment, writ of attachment or other process.
- 6. Defendants are enjoined from ever intercepting or exhibiting an unauthorized program in violation of the Federal Communications Act.
 - 7. The Court awards Plaintiff court costs and post-judgment interest on the amounts awarded herein as allowed by law, from the date of the judgment until paid.
 - 8. All writs and process for the enforcement and collection of this judgment may issue as necessary. In connection with any Writ of Execution in this case, the Court directs the United States Marshals Service to use any means or force reasonably necessary to satisfy this Judgment.

It is SO ORDERED.

SIGNED this 3rd day of December, 2010.

A handwritten signature in black ink, reading "Michael H. Schneider", written over a horizontal line.

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE